

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

REVIEW PETITION NO. 187 OF 2025

IN

WRIT PETITION NO. 3404 OF 2025

(SERIAL NO. 34)

Sunteck Real Estates Private Limited ...Petitioner

Versus

The State of Maharashtra Thr. Its Secretary and ...Respondents
Ors.

ALONGWITH

WRIT PETITION NO. 17313 OF 2025

(SERIAL NO. 35)

Sunteck Real Estates Private Limited ...Petitioner

Versus

The State of Maharashtra Thr. Its Secretary and ...Respondents
Ors.

**Mr Aseem Naphade a/w Adv. Samit Shukla, Adv. Anuj Savla i/by
Trilegal, for the Petitioner.**

**Mr N. C. Walimbe, Addl. GP a/w Shri S. P. Kamble, AGP for the
Respondent-State in RPW 187 of 2025.**

**Mrs. D. S. Deshmukh, AGP for the Respondent-State in WP No.
17313 of 2025.**

**CORAM: SUMAN SHYAM &
S. M. MODAK, JJ.**

DATED: 23rd DECEMBER 2025.

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1. Mr. Naphade, the learned counsel appearing for the Petitioners, in the Writ Petition submits that the show cause notice dated 19.12.2024 issued by the Respondent No. 3-Tahasildar is under challenge primarily on the ground that the factual projection made in the visual panchnama dated 26.09.2024, reflecting 7 Lakhs to 8 Lakhs brass, according to the Writ Petitioner, is utterly preposterous, in as much as, such quantity is wholly imaginary. Therefore, the question of the same being responded to by the Petitioner, also does not arise in the admitted facts of the case.

2. The learned counsel for the Petitioner further submits that since the very basis of the show cause notice is imaginary, hence, the Petitioner cannot be made to suffer an adverse order in the aforesaid proceedings, whereafter it will be required to make statutory deposit even to challenge such an order before the Appellate Authority.

3. We have also heard submissions made by Mr. Walimbe, the learned AGP appearing for the Respondent-State in Review Petition No. 187 of 2025 and Writ Petition No. 17313 of 2025.

4. After hearing the submissions made at bar and as agreed to by the Petitioner's counsel, we dispose of the Writ Petition No. 17313 of 2025 by granting leave to the Petitioner to raise preliminary objection as regards the validity of the show cause notice, in so far as the factual representation made therein is concerned. If such preliminary objection/ preliminary reply is submitted by the Petitioner within two weeks from today, the same be considered on merits and disposed of by a reasoned order treating them as preliminary issue.

5. The right of the Writ Petitioner to submit a full-fledged show cause reply shall be kept reserved, to be exercised, if and when the occasion arises. If the Petitioner, in any manner, feels aggrieved by the order passed by the Respondent No. 3 disposing of the preliminary issue, it will be open for it to challenge the same by approaching this Court once again.

6. With the above observations, the Writ Petition No. 17313 of 2025 stands closed.

7. We make it clear that the present order is made keeping in mind the peculiar facts and circumstance of this case and the same shall not create any precedent.

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8. In view of the order passed in Writ Petition No. 17313 of 2025, the Review Petition stands disposed of.

(S. M. MODAK, J.)

(SUMAN SHYAM, J.)